

July 26, 2016

From:

Alex Nguyen  
1050 Kiely Blvd. #2608  
Santa Clara, CA 95055

To:

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554  
*Via ECFS and e-mail*

Re: *Alex Nguyen v. Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless*,  
File No. \_\_\_\_\_

Dear Ms. Dortch:

I bring the above-referenced formal complaint against Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless (“Verizon”) for violating 47 USC §§ 201(b) and 202(a); 47 CFR §§ 8.3, 8.5, 8.11, and 27.16; and a 2012 Order and Consent Decree<sup>1</sup> by abusing its position as gatekeeper to interfere with my ability to use the devices and applications of my choice and edge providers' ability to make the devices and applications of their choice available to me.

Pursuant to 47 CFR § 1.3, the Commission agreed to waive provisions of 47 CFR §§ 1.721(a) (5), (6), (10) and 1.735(c) for this complaint.<sup>2</sup> Accordingly, on the Formal Complaint Intake Form, I answered:

- Yes for question 7.
- N/A for question 7.b. (However, the complaint does include legal analysis relevant to the claims and arguments set forth.)

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1 *Cellco Partnership d/b/a Verizon Wireless*, File No. EB-11-IH-1351, Acct. No. 201232080028, FRN 0003290673, Order and Consent Decree, 27 FCC Rcd. 8932 (2012)

2 See the February 2, 2016 letter from Rosemary McEnery (Deputy Chief, Market Disputes Resolution Division) to Alex Nguyen and David Haga (Assistant General Counsel, Verizon).

- N/A for question 7.g and subquestions 7.g(1)–(3).
- N/A for question 10. (Verizon and I agreed to accept service by e-mail.)

I've attached proof of paying the formal complaint filing fee as well as a certificate of service.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Nguyen". The signature is fluid and cursive, with the first name "Alex" and last name "Nguyen" clearly distinguishable.

Alex Nguyen

Cc:

Christopher Killion  
Lisa Griffin  
Rosemary McEnery

SECTION 208 FORMAL  
COMPLAINT INTAKE FORM

1. Case Name:	Alex Nguyen v. Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless
2. Complainant's Name, Address, Phone and Facsimile Number, e-mail address (if applicable):	Alex Nguyen, 1050 Kiely Blvd #260B, Santa Clara, CA 95055, 408 499 4239, communicator@doubleperfect.com
3. Defendant's Name, Address, Phone and Facsimile Number (to the extent known), e-mail address (if applicable):	Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless, One Verizon Way, Basking Ridge, NJ 07920
4. Complaint alleges violation of the following provisions of the Communications Act of 1934, as amended:	Sections 201 and 202; the C Block rules (47 CFR § 27.16) adopted pursuant to Sections 303 and 309

Answer (Y)es, (N)o or N/A to the following:

- Y 5. Complaint conforms to the specifications prescribed by 47 C.F.R. Section 1.734.
- Y 6. Complaint complies with the pleading requirements of 47 C.F.R. Section 1.720.
- Y 7. Complaint conforms to the format and content requirements of 47 C.F.R. Section 1.721, including but not limited to:
- Y a. Complaint contains a complete and fully supported statement of facts, including a detailed explanation of the manner in which the defendant is alleged to have violated the provisions of the Communications Act of 1934, as amended, or Commission rules or Commission orders.
- N/A b. Complaint includes proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments set forth in the Complaint.
- Y c. If damages are sought in this Complaint, the Complaint comports with the specifications prescribed by 47 C.F.R. Section 1.722(a), (c).
- Y d. Complaint contains a certification that complies with 47 C.F.R. Section 1.721(a)(8), and thus includes, among other statements, a certification that: (1) complainant mailed a certified letter outlining the allegations that formed the basis of the complaint it anticipated filing with the Commission to the defendant carrier; (2) such letter invited a response within a reasonable period of time; and (3) complainant has, in good faith, discussed or attempted to discuss, the possibility of settlement with each defendant prior to the filing of the formal complaint.
- N e. A separate action has been filed with the Commission, any court, or other government agency that is based on the same claim or the same set of facts stated in the Complaint, in whole or in part. If yes, please explain:
- N f. Complaint seeks prospective relief identical to the relief proposed or at issue in a notice-and-comment proceeding that is concurrently before the Commission. If yes, please explain:
- N/A g. Complaint includes an information designation that contains:
- N/A (1) A complete description of each document, data compilation, and tangible thing in the complainant's possession, custody, or control that is relevant to the facts alleged with particularity in the Complaint, including: (a) its date of preparation, mailing, transmittal, or other dissemination, (b) its author, preparer, or other source, (c) its recipient(s) or intended recipient(s), (d) its physical location, and (e) its relevance to the matters contained in the Complaint; and
- N/A (2) The name, address, and position of each individual believed to have firsthand knowledge of the facts alleged with particularity in the Complaint, along with a description of the facts within any such individual's knowledge; and
- N/A (3) A complete description of the manner in which the complainant identified all persons with information and designated all documents, data compilations, and tangible things as being relevant to the dispute, including, but not limited to, identifying the individual(s) that conducted the information search and the criteria used to identify such persons, documents, data compilations, tangible things, and information.
- Y h. Attached to the Complaint are copies of all affidavits, tariff provisions, written agreements, offers, counter-offers, denials, correspondence, documents, data compilations, and tangible things in the complainant's possession, custody, or control, upon which the complainant relies or intends to rely to support the facts alleged and legal arguments made in the Complaint.
- Y i. Certificate of service is attached and conforms to the specifications prescribed by 47 C.F.R. Sections 1.47(g) and 1.735(f).
- Y j. Verification of payment of filing fee in accordance with 47 C.F.R. Sections 1.721(13) and 1.1106 is attached.
- N/A 8. If complaint is filed pursuant to 47 U.S.C. Section 271(d)(6)(B), complainant indicates therein whether it is willing to waive the 90-day complaint resolution deadline.

- Y 9. All reported FCC orders relied upon have been properly cited in accordance with 47 C.F.R. Sections 1.14 and 1.720(i).
- N/A 10. Copy of Complaint has been served by hand-delivery on either the named defendant or one of the defendant's registered agents for service of process in accordance with 47 C.F.R. Section 1.47(e) and 47 C.F.R. Section 1.735(c).
- Y 11. If more than ten pages, the Complaint contains a table of contents and summary, as specified in 47 C.F.R. Section 1.49(b) and (c).
- Y 12. The correct number of copies required by 47 C.F.R. Section 1.51(c), if applicable, and 47 C.F.R. Section 1.735(b) have been filed.
- Y 13. Complaint has been properly signed and verified in accordance with 47 C.F.R. Section 1.52 and 47 C.F.R. Section 1.734(c).
- N/A 14. If Complaint is by multiple complainants, it complies with the requirements of 47 C.F.R. Section 1.723(a).
- Y 15. If Complaint involves multiple grounds, it complies with the requirements of 47 C.F.R. Section 1.723(b).
- N/A 16. If Complaint is directed against multiple defendants, it complies with the requirements of 47 C.F.R. Section 1.735(a)-(b).
- Y 17. Complaint conforms to the specifications prescribed by 47 C.F.R. Section 1.49.
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# Agency Tracking ID:PGC2851090 Authorization Number:626020

## Successful Authorization -- Date Paid: 7/26/16

### FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING  (1) LOCKBOX #979094	FEDERAL COMMUNICATIONS COMMISSION <b>REMITTANCE ADVICE</b> <b>FORM 159</b> PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY
<b>SECTION A - Payer Information</b>		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>Alex Nguyen</b>		(3) TOTAL AMOUNT PAID (dollars and cents) <b>\$225.00</b>
(4) STREET ADDRESS LINE NO. 1 <b>1050 Kiely Blvd</b>		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY <b>Santa Clara</b>		(7) STATE <b>CA</b>
		(8) ZIP CODE <b>95055</b>
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) -		(10) COUNTRY CODE (IF NOT IN U.S.A.) <b>US</b>
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>		
(11) PAYER (FRN) <b>0025233933</b>		(12) FCC USE ONLY
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME <b>Alex Nguyen</b>		
(14) STREET ADDRESS LINE NO. 1 <b>1050 Kiely Blvd</b>		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY <b>Santa Clara</b>		(17) STATE <b>CA</b>
		(18) ZIP CODE <b>95055</b>
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) -		(20) COUNTRY CODE (IF NOT IN U.S.A.) <b>US</b>
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>		
(21) APPLICANT (FRN) <b>0025233933</b>		(22) FCC USE ONLY
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>		
(23A) FCC Call Sign/Other ID <div style="text-align: center;"><b>N/A</b></div>	(24A) Payment Type Code(PTC) <div style="text-align: center;"><b>CIZ</b></div>	(25A) Quantity <div style="text-align: center;"><b>1</b></div>
(26A) Fee Due for (PTC) <div style="text-align: center;"><b>\$225.00</b></div>	(27A) Total Fee <div style="text-align: center;"><b>\$225.00</b></div>	FCC Use Only
(28A) FCC CODE 1 <div style="text-align: center;"><b>N/A</b></div>	(29A) FCC CODE 2 <div style="text-align: center;"><b>AlexNguyenv.CellcoPartners</b></div>	
(23B) FCC Call Sign/Other ID	(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)	(27B) Total Fee	FCC Use Only
(28B) FCC CODE 1	(29B) FCC CODE 2	



## CERTIFICATE OF SERVICE

I certify that on July 26, 2016, I served the complaint *Alex Nguyen v. Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless* on the following:<sup>1</sup>

Tamara Preiss  
Federal Regulatory and Legal Affairs  
Verizon Communications Inc.  
1300 I Street, NW, Suite 400 West  
Washington, DC 20005  
*Via e-mail*

David Haga  
Ann Rakestraw  
1320 N. Courthouse Road, 9<sup>th</sup> Floor  
Arlington, VA 22201  
*Via e-mail*

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
*Via ECFS and e-mail*

Christopher Killion  
Lisa Griffin  
Rosemary McEnery  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
*Via ECFS and e-mail*



Alex Nguyen  
1050 Kiely Blvd. #2608  
Santa Clara, CA 95055  
408-499-4239  
communicator@doubleperfect.com

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<sup>1</sup> The Commission waived the hand delivery requirement of 47 CFR § 1.735(c). See the February 2, 2016 letter from Rosemary McEnery to Alex Nguyen and David Haga.